

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

PLAINTIFFS' EXHIBIT 15
City of Virginia Beach EEO Plan (DEF11552-11568)

City of Virginia Beach



“A Community for a Lifetime”



**Equal Employment Opportunity Plan (EEOP)
January 1, 2006 – December 31, 2010**

DEF11552

Section IV

Workforce Analysis and Statistical Charts

The comparison of incumbency to availability contained in the City's Equal Employment Opportunity Plan (EEOP) is required by federal government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons are in compliance with government regulations.

The use of certain geographic areas and sources of statistics does not indicate that the City of Virginia Beach agrees that the geographic areas are appropriate in all instances of use, or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside of the context of this EEOP. Additionally, the EEOP is not intended to create any contractual or other rights in any person or entity as a result of these analyses.

The City's fulltime employment data (effective 11/01/05) and census data for the year 2000 (published by the US Census Bureau) are sources used for comparisons in this section of the EEOP.*

A. Workforce Analysis

The workforce analysis provides the City with a listing of fulltime employees for each organizational unit as it appears in the City's payroll records dated November 1, 2005. For each organizational unit, the analysis identifies the total number of employees by gender, the total number of minority employees, and the number of male and female employees within each of the racial and ethnic groups (White, Black/African American, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native).



Chart A-1
Workforce Analysis Matrix

As of 11/01/05, the fulltime workforce for the City of Virginia Beach totaled 5,619 employees. The workforce is divided into 32 organizational units, outlined in the following Workforce Analysis Matrix by race, sex, and ethnic group/national origin. Percentages are included in the totals reflecting overall representation of females and minority groups.

* 2000 census occupation data received from the EEOC includes two additional race categories listed as "Other" which did not exist in 1990 census information. These two race categories were added to the count for "total minority" in the 2000 census data. Therefore, when reviewing statistical data in the City's EEOP, at times, adding the final availability figures for the categories "white" and "total minority" will not always equal 100%.

Chart A-1
City of Virginia Beach Workforce Analysis by Race, Sex, and Ethnic Group/National Origin

As of 11/01/05, the fulltime employee workforce for the City of Virginia Beach totaled 5,619. The workforce is divided into 32 organizational units displayed in the Workforce Analysis matrix below by race, sex, and ethnic group/national origin. Percentages are included in the totals reflecting overall representation of females and minority groups.

Organizational Unit	Total			Male					Female				
	F/T	Male	Female	Min	W	B/AA	H	A/PI	W	B/AA	H	A/PI	AN
1. Agriculture	11	3	8	1	3	0	0	0	7	1	0	0	0
2. Audit Services	6	2	4	1	2	0	0	0	3	1	0	0	0
3. Circuit Court	12	2	10	0	2	0	0	0	10	0	0	0	0
4. City Real Estate Assessor	33	16	17	3	15	1	0	0	15	2	0	0	0
5. City Treasurer	74	13	61	12	12	0	0	1	50	9	1	1	0
6. Clerk of the Circuit Court	5	0	5	2	0	0	0	0	3	2	0	0	0
7. Commissioner of the Revenue	64	12	52	12	10	2	0	0	42	7	0	3	0
8. Commonwealth's Attorney	86	29	57	9	28	1	0	0	49	8	0	0	0
9. Communications & Info Tech	281	104	177	50	87	13	0	4	144	29	1	3	0
10. Convention and Visitor Bureau	112	46	66	33	25	20	0	1	54	9	1	2	0
11. Economic Development	14	9	5	3	8	1	0	0	3	0	2	0	0
12. Emergency Medical Services	55	30	25	4	29	0	0	1	22	1	1	1	0
13. Executive (City Managers)	15	2	13	2	2	0	0	0	11	1	0	1	0
14. Finance	58	14	44	8	12	2	0	0	38	6	0	0	0
15. Fire	449	404	45	47	362	19	11	7	40	3	0	2	0
16. General Registrar	11	1	10	2	1	0	0	0	8	2	0	0	0
17. Health	14	0	14	4	0	0	0	0	10	4	0	0	0
18. Housing & Neighborhood Preservation	66	30	36	23	26	3	0	1	17	19	0	0	0
19. Human Resources	53	8	45	16	5	3	0	0	32	10	2	1	0
20. Human Services	955	184	771	449	82	97	1	4	424	308	17	17	5
21. Juvenile Probation	5	0	5	0	0	0	0	0	5	0	0	0	0
22. Law (City Attorney)	41	6	35	7	6	0	0	0	28	7	0	0	0
23. Legislative (City Clerk)	6	0	6	0	0	0	0	0	6	0	0	0	0
24. Library	302	36	266	58	33	1	1	1	211	35	8	12	0
25. Management Services	20	6	14	2	5	0	0	1	13	1	0	0	0

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Organizational Unit	Total			Male					Female					
	F/T	Male	Female	Min	W	B/AA	H	A/PI	AI/AN	W	B/AA	H	A/PI	AI/AN
26. Parks & Recreation	488	309	179	169	195	100	7	7	0	124	45	5	5	0
27. Planning	126	83	43	23	70	7	3	3	0	33	8	0	2	0
28. Police	960	718	242	137	610	70	17	17	4	213	23	3	2	1
29. Public Utilities	381	287	94	155	162	116	5	3	1	64	23	3	3	1
30. Public Works	807	678	129	347	377	269	14	14	4	83	42	2	2	0
31. Sheriff's Office	43	9	34	9	7	0	0	2	0	27	5	2	0	0
32. Virginia Aquarium & Marine Science Center (Museums and Cultural Arts)	66	21	45	10	16	4	0	1	0	40	4	1	0	0
Total #	5619	3062	2557	1598	2192	729	59	68	14	1829	615	49	57	7
Total %		54.5	45.5	28.4	39.0	13.0	1.1	1.2	0.2	32.6	10.9	0.9	1.0	0.1

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Chart A-1: Workforce Analysis
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Legend:

Minority
W White
B/AA Black/African American
H Hispanic
A/PI Asian/Pacific Islander
AI/AN American Indian or Alaskan Native

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B. Relevant Labor Market

The Relevant Labor Market (RLM) reflects that portion of the labor force within the job recruitment area(s) for the City of Virginia Beach identified as possessing the requisite knowledge, skills, and abilities for job placement. The chart below uses the US Census Bureau's year 2000 census data to compile statistics used to identify areas of underutilization.

Chart B-1
Relevant Labor Market (RLM)
Source: 2000 Census Data

Race Code Legend:
B/AA – Black/African American
A/PI – Asian/Pacific Islander
AI/AN – American Indian/Alaskan Native
Other – No Specific Race Code Identified

Job Category	RLM Availability	Male						Female					
		B/AA	White	Hispanic	A/PI	AI/AN	Other	B/AA	White	Hispanic	A/PI	AI/AN	Other
Officials/Administrators	19,124,565	545,530 2.9%	9,845,535 51.5%	675,470 3.5%	426,535 2.2%	43,960 0.2%	166,110 0.9%	645,905 3.4%	5,875,420 30.7%	485,280 2.5%	256,175 1.3%	41,025 0.2%	117,620 0.6%
Professionals	755,215	28,515 3.8%	287,790 38.1%	9,350 1.2%	24,690 3.3%	815 0.1%	5,975 0.8%	53,075 7.0%	311,700 41.3%	10,020 1.3%	16,725 2.2%	840 0.1%	5,720 0.8%
Technicians	20,273	1,665 8.2%	6,925 34.2%	175 0.9%	360 1.8%	45 0.2%	70 0.3%	3,590 17.7%	6,540 32.3%	200 1.0%	425 2.1%	55 0.3%	223 1.1%
Sworn	70,820	11,375 16.1%	42,080 59.4%	1,385 2.0%	660 0.9%	190 0.3%	895 1.3%	5,630 8.0%	7,670 10.8%	445 0.6%	175 0.2%	10 0.0%	305 0.4%
Protective Services (Civilian Labor)	4,267	305 7.1%	1,655 38.8%	75 1.8%	15 0.4%	4 0.1%	39 0.9%	240 5.6%	1,760 41.2%	80 1.9%	30 0.7%	4 0.1%	60 1.4%
Administrative Support	189,745	14,535 7.7%	32,975 17.4%	1,300 0.7%	1,440 0.8%	130 0.1%	1035 0.5%	42,935 22.6%	85,200 44.9%	3,530 1.9%	3,335 1.8%	620 0.3%	2,170 1.4%

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Job Category	RLM Availability	Male						Female					
		B/AA	White	Hispanic	A/PI	AI/AN	Other	B/AA	White	Hispanic	A/PI	AI/AN	Other
Skilled Craft	80,599	16,830	53,580	1,575	1040	440	1,300	1,935	3,220	150	335	50	144
		20.9%	66.5%	2.0%	1.3%	0.5%	1.6%	2.4%	4.0%	0.2%	0.4%	0.1%	0.2%
Service/Maintenance	181,660	38,035	50,850	2,785	3,065	495	1,990	35,250	40,480	2,565	3,885	480	1,780
		21.0%	28.0%	1.5%	1.7%	0.3%	1.1%	19.4%	22.3%	1.4%	2.1%	0.3%	1.0%

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Chart B-1: Relevant Labor Market
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Relevant Labor Markets:

Officials/Administrators: National
Professionals: State
Technicians: Metropolitan Statistical Area (MSA)
Protective Services: State
Administrative Support: MSA
Skilled Craft: MSA
Service Maintenance: MSA

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Section IV - continued
Workforce Analysis and Statistical Charts

C. Availability Rates

Workforce availability rates are reviewed in order to determine the number of minorities and women available in the recruitment population to work in the various job groups specified in the Equal Employment Opportunity Commission's (EEOC) regulations. Several charts are included in this section of the EEOP reflecting the use of relevant labor market (RLM) data to display statistical analyses and comparisons when identifying female and minority recruitment and utilization. Additional data sources include 2000 census data from the US Census Bureau and fulltime workforce statistics for the City effective 11/01/05.

Minorities

In determining whether minorities are underutilized in any job group, the City of Virginia Beach will consider (based on available data) the following:

1. The minority population of the labor force within the relevant labor market (RLM).
2. The size of the minority unemployment force in the surrounding labor area.
3. The percentage of the City's minority workforce when compared with the total workforce in the relevant labor market.
4. The general availability of minorities possessing the requisite skills in the relevant labor market.
5. The availability of minorities possessing the requisite skills in an area in which the City can reasonably recruit.
6. The availability of minorities seeking employment in the labor or recruiting area of the City.
7. The availability of minorities eligible for promotion or transfer within the City's workforce.
8. The existence of training institutions capable of training persons in the requisite skills (based on available data), and the percentage of minorities enrolled.
9. The degree of training which the City is reasonably able to undertake as a means of making all job classes available to minorities.



Section IV - continued
Workforce Analysis and Statistical Charts

Females

In determining whether females are underutilized in any job group, the City of Virginia Beach will consider (based on available data) the following:

1. The size of the female population of the labor force within the relevant labor market.
2. The size of the female unemployment force in the surrounding labor area.
3. The percentage of the City's female work force when compared with the total work force in the relevant labor market.
4. The general availability of women possessing the requisite skills in the relevant labor market.
5. The availability of women possessing the requisite skills in an area in which the City can reasonably recruit.
6. The availability of women seeking employment in the labor or recruiting area of the City.
7. The availability of women within the City's organization eligible for promotion or transfer.
8. The existence of training institutions capable of training persons in the requisite skills (based on data availability) and the percentage of females enrolled.
9. The degree of training which the City is reasonably able to undertake as a means of making all job classes available to women.



The City's fulltime employment data (effective 11/01/05) and census data for the year 2000 (published by the US Census Bureau) are additional sources of information used for comparisons when determining areas of underutilization.

Section IV - continued
Workforce Analysis and Statistical Charts

Statistics displayed in Chart C-1 below reflect workforce availability rates for females and minorities using Relevant Labor Market (RLM) data.

Chart C-1
RLM Availability Rates – Minorities and Females
(Based on 2000 US Census Data)

Job Group	% Minority		% Female	
	A	B*	A	B*
Officials/Managers	16.2	17.7	38.1	38.7
Professionals	19.0	20.6	51.9	52.7
Technicians	32.2	33.6	53.1	54.5
Protective Services	27.5	30.0	21.4	22.8
Administrative Support	35.9	37.8	71.5	72.9
Skilled Craft	27.8	29.6	7.1	7.3
Service Maintenance	47.6	49.8	45.5	46.5

** NOTE: Percentages in Column A include the following ethnic groups for females and minorities: Black/African American, Hispanic, Asian/Pacific Islanders, and American Indian/Alaskan Native. Percentages in Column B include the same ethnic groups in Column A with the addition of the 2000 US Census data's listing of "Other" as an "ethnic group" for females and minorities. The "Other" category is indistinguishable as an ethnic job group for the purpose of analyzing and comparing the City's fulltime workforce data. Therefore, the figures reflected in Column B above for females and minorities are not used in Chart A-3: Workforce Utilization Analysis.*

The figures in Column B are used in data comparisons when analyzing overall availability rates for females and minorities as reflected in Chart A-2: Availability vs. Utilization Matrix, Chart F-1: Job Group Summary Comparison, Graph B-1: Female Availability/Utilization and Graph B-2: Minority Availability/Utilization. Use of the data in Column B with these charts and graphs provide an additional level of assessment for the City's fulltime workforce.

Section IV - continued
Workforce Analysis and Statistical Charts

D. Workforce by EEO Category

EEO categories are established by the Equal Employment Opportunity Commission (EEOC) and used in required reports submitted by the City. Figures displayed in the following Chart D-1 highlight the City's fulltime workforce as of 11/01/05 by race, sex, ethnic group/national origin, and EEO job category. Percentages of the total employee population within each job category are also indicated.

NOTE: Positions listed in the paraprofessional job category will soon be merged into other job groups.

Chart D-1
City of Virginia Beach Workforce
By Race, Sex, Ethnic Group/National Origin, and EEO Job Category

Figures in Chart D-1 reflect the total number of the City's fulltime employees by race, sex, and ethnic group/national origin within each EEO job category as of November 1, 2005. Percentages of the total employee population within each job category are also indicated. (Positions currently listed in the paraprofessional job category will soon be merged into other job groups.)

EEO Category	Total			Male					Female					
	Total F/T	Male	Female	Min	W	B/AA	H	A/PI	AI/AN	W	B/AA	H	A/PI	AI/AN
Officials & Administrators	91	66 72.5%	25 27.5%	6 6.6%	63 69.2%	3 3.3%	0 0.0%	0 0.0%	0 0.0%	22 24.2%	3 3.3%	0 0.0%	0 0.0%	0 0.0%
Professionals	1395	523 37.5%	872 62.5%	372 26.7%	381 27.3%	119 8.5%	8 0.6%	14 1.0%	1 0.1%	642 46.0%	190 13.6%	14 1.0%	24 1.7%	2 0.1%
Technicians	747	326 43.6%	421 56.4%	164 22.0%	277 37.1%	34 4.6%	4 0.5%	8 1.1%	3 0.4%	306 41.0%	90 12.0%	10 1.3%	14 1.9%	1 0.1%
Protective Services	1234	1096 88.8%	138 11.2%	157 12.7%	950 77.0%	86 7.0%	28 2.3%	24 1.9%	8 0.6%	127 10.3%	7 0.6%	3 0.2%	1 0.1%	0 0.0%
Para-Professionals	198	38 19.2%	160 80.8%	82 41.4%	23 11.6%	15 7.6%	0 0.0%	0 0.0%	0 0.0%	93 47.0%	60 30.3%	4 2.0%	2 1.0%	1 0.5%
Administrative Support	904	87 9.6%	817 90.4%	243 26.9%	65 7.2%	14 1.5%	1 0.1%	7 0.8%	0 0.0%	596 65.9%	186 20.6%	17 1.9%	15 1.7%	3 0.3%
Skilled Craft	566	531 93.8%	35 6.2%	259 45.8%	291 51.4%	223 39.4%	5 0.9%	10 1.8%	2 0.4%	16 2.8%	19 3.4%	0 0.0%	0 0.0%	0 0.0%
Service Maintenance	484	395 81.6%	89 18.4%	315 65.1%	142 29.3%	235 48.6%	13 2.7%	5 1.0%	0 0.0%	27 5.6%	60 12.4%	1 0.2%	1 0.2%	0 0.0%
TOTAL # TOTAL %	5619	3062 54.5%	2557 45.5%	1598 28.4%	2192 39.0%	729 13.0%	59 1.1%	68 1.2%	14 0.2%	1829 32.6%	615 10.9%	49 0.9%	57 1.0%	7 0.1%

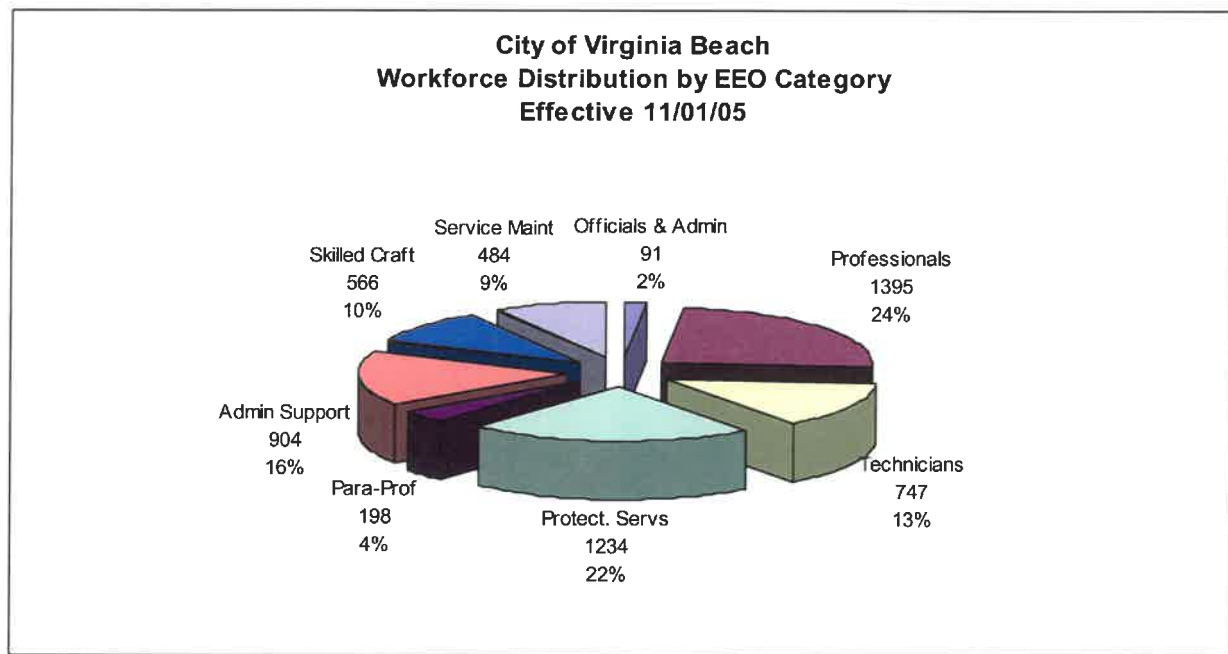
Legend:

Min
W
B/AA
H
A/PI
AI/AN
Minority
White
Black/African American
Hispanic
Asian/Pacific Islander
American Indian or Alaskan Native

Section IV - continued
Workforce Analysis and Statistical Charts

E. EEO Job Group - Summary

The following Chart displays statistics of the City's fulltime workforce distribution as of 11/01/05 using EEO job categories.



Additionally, Chart E-1 displays the City's workforce distribution using EEO job categories and the total number of fulltime incumbents within each category by race, sex, and ethnic group/national origin.

To prepare this data, a workforce analysis was conducted individually for all existing job titles in the City's workforce. After the analysis was completed, job titles were grouped together for the comparison of incumbency to availability and will be used to assist with establishing recruitment and promotional goals in areas identified as underutilized for female and minority groups.

Many job titles are so similar in content that handling them individually in the EEOP is not necessary. Grouping together very similar titles is appropriate for the comparison of incumbency to availability. For many job titles, the availability data that can be collected is limited, and the same data must be used for several related jobs. Additionally, many job titles have so few incumbents that identifying disparities between incumbency and availability by job title is meaningless. Furthermore, positions currently listed in the paraprofessional job category will soon be merged into other job groups.

Section IV - continued
Workforce Analysis and Statistical Charts

By grouping several similar titles together and thus increasing the number of positions reviewed, a meaningful comparison can be conducted, i.e., identified problem areas are more likely to be represented by meaningful data. It is logical to group related titles together and display the results using EEO categories.

NOTE: Statistical data used in the EEOP does not reflect combining job titles with different content, wages, or opportunities if doing so would obscure problem areas.

Chart E-1
Job Group Summary Chart
By EEO Category, Race, Sex, and Ethnic Group/National Origin

All job titles are assigned a job group category established by the Equal Employment Opportunity Commission (EEOC). Chart E-1 displays the total number of fulltime incumbents in the City of Virginia Beach and the total number of males, females, and minorities within these job categories. This data includes all fulltime City employees as of November 1, 2005. (Positions currently listed in the paraprofessional job category will soon be merged into other job groups.)

EEO Job Category	Total Fulltime	Total		Ethnic Group/National Origin					
		Male	Female	Minority	White	Black/African American	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native
Officials & Administrators	91	66	25	6	85	6	0	0	0
Professionals	1395	523	872	372	1023	309	22	38	3
Technicians	747	326	421	164	583	124	14	22	4
Protective Services	1234	1096	138	157	1077	93	31	25	8
Para-Professionals	198	38	160	82	116	75	4	2	1
Administrative Support	904	87	817	243	661	200	18	22	3
Skilled Craft	566	531	35	259	307	242	5	10	2
Service Maintenance	484	395	89	315	169	295	14	6	0
TOTAL	5619	3062	2557	1598	4021	1344	108	125	21

Section IV - continue
Workforce Analysis and Statistical Charts

F. Job Group Summary Comparison

The following Chart F-1 represents a statistical comparison of the City's job group summary data as of 11/01/05 with relevant labor market (RLM) availability rates. Data displayed reflects race, sex, and ethnic group/national origin. (NOTE: Positions listed in the paraprofessional job category will soon be merged into other job groups.)

Chart F-1
Job Group Summary Comparison by EEO Category, Race, Sex, and Ethnic Group/National Origin

The Job Group Summary Comparison Chart is designed to provide an overall picture of the City's total fulltime workforce as of November 1, 2005 by race, sex, and ethnic group/national origin within job categories. Utilization percentages of the total workforce population are provided. These figures are then compared to relevant labor market (RLM) availability rates. (Jobs for the City previously listed in the paraprofessional job category will soon be merged with other job groups. Therefore, no availability or utilization rates are reflected.)

EEO Job Category	Total Fulltime	Total		Ethnic Group/National Origin						
		Male	Female	Minority	White	Black/African American	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Other
Officials & Administrators	91	66 (72.5%)	25 (27.5%)	6 (6.6%)	85 (93.4%)	6 (6.6%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Availability Rate		61.2%	38.7%	17.7%	82.2%	6.3%	6.0%	3.5%	0.4%	1.5%
Professionals	1395	523 (37.5%)	872 (62.5%)	372 (26.7%)	1023 (73.3%)	309 (22.2%)	22 (1.5%)	38 (2.7%)	3 (0.2%)	0 (0.0%)
Availability Rate		47.3%	52.7%	20.6%	79.4%	10.8%	2.5%	5.5%	0.2%	1.6%
Technicians	747	326 (43.6%)	421 (56.4%)	164 (22.0%)	583 (78.1%)	124 (16.6%)	14 (1.9%)	22 (2.9%)	4 (0.5%)	0 (0.0%)
Availability Rate		45.6%	54.5%	33.6%	66.5%	25.9%	1.9%	3.9%	0.5%	1.4%
Protective Services	1234	1096 (88.8%)	138 (11.2%)	157 (12.7%)	1077 (87.3%)	93 (7.5%)	31 (2.5%)	25 (2.0%)	8 (0.6%)	0 (0.0%)
Availability Rate		78.2%	22.8%	30.0%	70.8%	23.4%	2.6%	1.2%	0.3%	2.5%

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EEO Job Category	Total Fulltime	Total		Ethnic Group/National Origin						
		Male	Female	Minority	White	Black/African American	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Other
Para-Professionals	198	38 (19.2%)	160 (80.8%)	82 (41.4%)	116 (58.6%)	75 (37.9%)	4 (2.0%)	2 (1.0%)	1 (0.5%)	0 (0.0%)
Availability Rate		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Administrative Support	904	87 (9.6%)	817 (90.4%)	243 (26.9%)	661 (73.1%)	200 (22.1%)	18 (2.0%)	22 (2.4%)	3 (0.3%)	0 (0.0%)
Availability Rate		27.2%	72.9%	37.8%	62.3%	30.3%	2.6%	2.6%	0.4%	1.9%
Skilled Craft	566	531 (93.8%)	35 (6.2%)	259 (45.8%)	307 (54.2%)	242 (42.8%)	5 (0.9%)	10 (1.8%)	2 (0.4%)	0 (0.0%)
Availability Rate		92.8%	7.3%	29.6%	70.5%	23.3%	2.2%	1.7%	0.7%	1.8%
Service Maintenance	484	395 (81.6%)	89 (18.4%)	315 (65.1%)	169 (34.9%)	295 (61.0%)	14 (2.9%)	6 (1.2%)	0 (0.0%)	0 (0.0%)
Availability Rate		53.5%	46.5%	49.8%	50.3%	40.4%	2.9%	3.8%	0.6%	2.1%
TOTAL	5619	3062	2557	1598	4021	1344	108	125	21	0

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 Chart F-1: Job Group Summary Comparison
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